

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Keith A. Miesel Confirmation No. 8232
Serial No.: 10/825,964
Filed: April 15, 2004 Customer No.: 28863
Examiner:
Group Art Unit: 3736
Docket No.: 1023-360US01
Title: DETECTING SLEEP

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

4/5/05

By:

Name: Karen Sorensen

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This statement is being filed to the best of Applicant's knowledge, before the receipt of a first Office Action on the merits.

Applicant has enclosed a copy of each article cited and each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

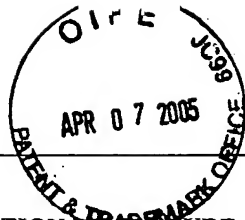
Respectfully submitted,

Date:

4/5/05

Shumaker & Sieffert, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Phone: (651) 735-1100
Fax: (651) 735-1102

By: Jason D. Kelly
Reg. No. 54,213



Form 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 1023-360US01	Application Number: 10/825,964
	Applicant: Kenneth T. Heruth; Keith A. Miesel	
	Filing Date: April 15, 2004	Group Art Unit: 3736
	Examiner Name:	

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
	4,550,736	11/05/1985	Broughton et al.	
	4,771,780	09/20/1988	Sholder	
	4,776,345	10/11/1988	Cohen et al.	
	5,040,536	08/20/1991	Riff	
	5,058,584	10/22/1991	Bourgeois	
	5,154,180	10/13/1992	Blanchet et al.	
	5,233,984	08/10/1993	Thompson	
	5,342,409	08/30/1994	Mullett	
	5,476,483	12/19/1995	Bornzin et al.	
	5,593,431	01/14/1997	Sheldon	
	5,622,428	04/22/1997	Bonnet	
	5,941,906	08/24/1999	Barreras, Sr. et al.	
	5,944,680	08/31/1999	Christopherson et al.	
	6,044,297	03/28/2000	Sheldon et al.	
	6,045,513	04/04/2000	Stone et al.	
	6,102,874	08/15/2000	Stone et al.	
	6,120,467	09/19/2000	Schallhorn	
	6,157,857	12/05/2000	Dimpfel	
	6,165,143	12/26/2000	van Lummel	
	6,259,948 B1	07/10/2001	Florio et al.	
	6,280,409 B1	08/28/2001	Stone et al.	
	6,351,672 B1	02/26/2002	Park et al.	
	6,440,090 B1	08/27/2002	Schallhorn	
	6,449,508 B1	09/10/2002	Sheldon et al.	
	6,468,234 B1	10/22/2002	Van der Loos et al.	
	6,605,038 B1	08/12/2003	Teller et al.	
	2003/0153953 A1	08/14/2003	Park et al.	
	2003/0153955 A1	08/14/2003	Park et al.	
	2003/0153956 A1	08/14/2003	Park et al.	
	6,611,783 B2	08/26/2003	Kelly, Jr. et al.	
	2003/0163059 A1	08/28/2003	Poezevera et al.	
	2003/0171791 A1	09/11/2003	KenKnight et al.	
	6,659,968 B1	12/09/2003	McClure	
	2004/0015103 A1	01/22/2004	Aminian et al.	
	6,731,984 B2	05/04/2004	Chu et al.	

Form 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)		Docket Number: 1023-360US01		Application Number: 10/825,964	
		Applicant: Kenneth T. Heruth; Keith A. Miesel			
		Filing Date: April 15, 2004		Group Art Unit: 3736	
		Examiner Name:			
FOREIGN PATENT DOCUMENTS					
Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
	EP 1 195 139 A1	4/10/2002	EPO		
	WO 02/28282 A1	4/11/2002	PCT		
	WO 03/065891 A2	8/14/2003	PCT		
OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)					
	M.T. Smith et al, "Presleep Cognitions in Patients with Insomnia Secondary to Chronic Pain", Journal of Behavioral Medicine, Vol. 24, No 1, 2001.				
	Michael T. Smith et al., "How do sleep disturbance and chronic pain inter-relate? Insights from the longitudinal and cognitive-behavioral clinical trials literature", Sleep Medicines Reviews, YSMRV 286-19/6/2003.				
	Suanne Goodrich et al., "The Predictions of Pain Using Measures of Sleep Quality", Pain Digest (1998) 8:23-25.				
	"Analysis of heart rate dynamics by methods derived from nonlinear mathematics: Clinical applicability and prognostic significance" http://herkules.oulu.fi/isbn9514250133/html/x222.html (2004).				
	U.S. Patent Application entitled "Collecting Sleep Quality Information via a Medical Device", Serial Number 10/826,925, filed on April 15, 2004.				
	U.S. Patent Application entitled "Controlling Therapy Based on Sleep Quality", Serial Number 10/825,953, filed on April 15, 2004.				
	U.S. Patent Application entitled "Collecting Activity and Sleep Quality Information via a Medical Device", Serial Number 10/825,955, filed on April 15, 2004.				
	U.S. Patent Application entitled "Detecting Sleep", Serial Number 10/825,964, filed on April 15, 2004.				
	U.S. Patent Application entitled "Collecting Posture Information to Evaluate Therapy", Serial Number 10/826,926, filed on April 15, 2004.				
	U.S. Patent Application entitled "Sensitivity Analysis for Selecting Therapy Parameter Sets", Serial Number 11/081,873, filed on March 16, 2005.				
EXAMINER			Date Considered		
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					